



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CODY SWAIN,)

Defendant.)

2:10-CR-364-LRH (RJJ)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on February 24, 2011, defendant CODY SWAIN pled guilty to Count One of a One-Count Criminal Indictment charging him with Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

This Court finds defendant CODY SWAIN agreed to the forfeiture of property set forth in Forfeiture Allegation of the Criminal Indictment.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant CODY SWAIN pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(C):

(A) a .38 caliber Beretta handgun bearing serial number H25618Y; and;

(B) any and all ammunition. ("property").

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1 This Court finds the United States of America is now entitled to, and should, reduce the
2 aforementioned property to the possession of the United States of America.

3 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
4 United States of America should seize the aforementioned property.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
6 CODY SWAIN in the aforementioned property is forfeited and is vested in the United States of
7 America and shall be safely held by the United States of America until further order of the Court.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
9 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
10 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
11 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
12 the name and contact information for the government attorney to be served with the petition, pursuant
13 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
15 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
17 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
18 following address at the time of filing:

19 Michael A. Humphreys
20 Assistant United States Attorney
Daniel D. Hollingsworth
21 Assistant United States Attorney
Lloyd D. George United States Courthouse
22 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
24 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency

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1 following publication of notice of seizure and intent to administratively forfeit the above-described
2 property.

3 DATED this 23 day of February, 2011.

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UNITED STATES DISTRICT JUDGE
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